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U.S. Department of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

INSTRUCTIONS FOR HOLDING REFERENDUM ON
COTTON MARKETING QUOTAS ON THE 1940 CROP

In view of the fact that the Secretary of Agriculture has determined and proclaimed, pursuant to the provisions of section 345 of the Agricultural Adjustment Act of 1938, that the total supply of cotton for the 1939-40 marketing year exceeds by more than 7 percent the normal supply thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1939 will be held on Saturday, December 9, 1939, pursuant to section 347 of said Act and in accordance with the regulations and instructions herein set forth, to determine whether they favor or oppose cotton marketing quotas on the 1940 cotton crop. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of cotton in 1939 are eligible to vote in the referendum (except those producing only cotton 1½ inches or more in staple length, as provided in the next paragraph). Any person who shared in the proceeds of the 1939 cotton crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of cotton in 1939. Farmers who planted cotton in 1939 but produced no cotton on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of the 1939 cotton and therefore eligible to vote.

Since the law provides that marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the production of such cotton in 1939 is not eligible to vote, unless in 1939 he was also engaged in the production of cotton the staple of which was less than 1½ inches in length. (Because of such provision the term "cotton" as used in these instructions and in the prescribed forms to be used hereunder means cotton having a staple length of less than 1½ inches.)

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of cotton in 1939 on two or more farms or in two or more communities, counties, or States.

In case a group of several persons, such as husband, wife, and children, participated in the production of cotton in 1939 under a single rental or cropping agreement or lease, each person who signed the written or entered into the oral rental or cropping agreement or lease shall be entitled to one vote, but the others in such group shall not be eligible to vote.

In case two or more persons engaged in producing cotton in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to one vote.

There shall be no voting by mail, proxy, or agent, or in any manner except the eligible voter personally depositing in the ballot box his ballot marked by him; but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a Community Referendum Committee determines that the fact is that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing cotton in another community in 1939, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not previously voted in the referendum in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

Each County Agricultural Conservation Committee (hereinafter referred to as the County Committee) shall be responsible for the proper holding of the referendum in its county and it shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting therein by posting a notice on form Cotton 401, "Notice—Cotton Marketing Quota Referendum", at one or more places open to the public within each community at least 5 days in advance of the date of the referendum.

2. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give cotton farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referendum in the county have been made, but must be given at least 5 days in advance of the date of the referendum.

3. Designate three cotton farmers residing in each community as members of the Community Referendum Committee to conduct the referendum in such community and name one of such members as chairman of the committee, and another of such members as vice-chairman of the committee.

4. In counties with less than 100 cotton farms the County Committee may treat the county as one community for the purpose of the referendum and shall hold the referendum and perform the duties both of County Committee and Community Referendum Committee.

5. See that each Community Referendum Committee is provided with a suitable ballot box (see C 4 below).

6. Prepare on form Cotton 403, "Register of Eligible Voters and Ballots Cast—1940 Cotton Marketing Quota Referendum", the register (so far as it can ascertain) of eligible voters for each community

in the county, listing thereon the names and addresses of all persons shown on its records or known to it as producers who were engaged in the production of cotton in such community during 1939.

7. Deliver a supply of forms Cotton 402, "1940 Cotton Marketing Quota Referendum Ballot", and of forms Cotton 404, "Community Summary of 1940 Cotton Marketing Quota Ballots", as well as form Cotton 403 (as provided in paragraph 6 above), to the chairman of the respective Community Referendum Committee.

8. See to it that the Community Referendum Committees understand their duties in all respects, with particular emphasis as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that all necessary and appropriate measures are taken to insure that the referendum is conducted by secret ballot, fairly and impartially.

10. Notify the State Agricultural Conservation Committee (hereinafter referred to as the State Committee) by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the county.

11. Meet not later than 8:30 o'clock a. m., on the next week-day after the holding of the referendum, for the purpose of receiving and tabulating on form Cotton 405, "County Summary of 1940 Cotton Marketing Quota Ballots," the data reported on forms Cotton 404. Such meeting shall be open to the public. A report on form Cotton 405, showing the results in the county, shall be prepared and certified in quadruplicate, two copies of which shall be sent to the State Committee as soon as possible and in no case later than 4 calendar days after the date of the referendum, one copy posted for 60 calendar days in a conspicuous place accessible to the public in or near the office of the County Committee (hereinafter referred to as the county office), and one copy permanently filed in the county office and kept available for public inspection. One copy of each executed form Cotton 404 shall also be posted for 60 calendar days in a conspicuous place accessible to the public in or near the county office.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter to vote in the referendum. In each case where a ballot is found in a sealed envelope marked "Challenged" by the Community Referendum Committee and bearing on the outside the voter's name and a statement of the reason for the challenge, the eligibility of such person shall be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots have been passed upon by the committee those ballots found to be cast by eligible voters shall be opened and tabulated in the county summary, but no disclosure shall be made as to how any particular person voted. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the County Committee unless it is

brought to its attention within 3 calendar days after the date on which the referendum was held. The County Committee shall promptly decide the dispute and immediately report its findings to the State Committee and send by registered mail or deliver in person to the office of the State Committee all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Cotton Referendum 1940," followed by the name of the county) and place them under lock and key in a safe place under the custody of the Secretary of the County Agricultural Conservation Association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed but the register and community summary sheets shall be permanently filed in the county office and kept available for public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each Community Referendum Committee designated by the County Committee shall:

1. Arrange, with the assistance of the County Committee, for conducting the referendum by secret ballot, fairly and impartially.

2. Assist the County Committee in giving adequate public notice of the time and place for casting ballots in the community at least 5 days in advance of the date on which the referendum will be held.

3. Provide a place where each eligible farmer can mark and cast his ballot in secret and without interference, coercion, or duress.

4. Provide a suitable ballot box. Any container so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed by the chairman or a member of the Community Referendum Committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

5. Open the polls at the time designated by the County Committee, which time shall not be later than 9 o'clock a. m., local standard time, on the date fixed for holding the referendum.

6. Hold the referendum in a fair and unbiased manner and see that appropriate measures are taken to insure that it is conducted by secret ballot, fairly and impartially.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot), and instruct each voter as he is handed a ballot form that he is to mark his ballot so as to show how he votes in such manner that no one shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone to see which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. If the voter fails to fold the ballot that shall not invalidate it. In every case where the eligibility of the voter is challenged,

his ballot, after being marked by the challenged person, so as to show how he votes but in such manner that no one sees how he votes, shall be folded and placed (by him, or by the committee if he refuses) in an envelope, which shall then be sealed and endorsed with his name, the word "Challenged," and a statement of the reason for the challenge, and shall then be placed in the ballot box. The letter "C" shall be entered on form Cotton 403 immediately to the left of the name of each person whose vote is challenged.

9. Record on form Cotton 403 the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter, in the column on form Cotton 403 headed "Ballot Cast (X)," an X beside the name and address of each farmer to whom a ballot form is issued and whose ballot is placed in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock p. m., local standard time (or such later hour as is fixed by the State Committee in order to afford a full and fair opportunity to producers to vote) on the date of the referendum.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on form Cotton 404. The number of challenged ballots cast shall be entered on form Cotton 404 in the space provided and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked so that it cannot be determined whether the ballot was intended to show that the voter approved or opposed the marketing quotas, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots sealed in an envelope marked "Spoiled Ballots", followed by the number of such ballots and the designation of the community, together with the signature or initials of the chairman or a member of the Community Referendum Committee. If any member of the Community Referendum Committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged or found to be spoiled, he shall not disclose such knowledge to any other person, except in an investigation conducted by the County Committee hereunder.

14. Certify to the accuracy of the executed forms Cotton 403 and Cotton 404 by signing in the spaces provided.

15. Notify the County Committee, by telephone or by a member of the Community Referendum Committee in person or by a signed communication sent by messenger, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the original and one copy of the community summary in one or more envelopes appropriately identified by the designation of the community and deliver them (by a member of the Community Referendum Committee or other trustworthy person, volunteering to perform the duty without compensation) to the County Committee not later than 8:30 o'clock a. m., on the first

weekday following the holding of the referendum, together with the unused ballots and other forms. The Chairman of the Community Referendum Committee (or in his absence or disability, the Vice Chairman thereof) shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of form Cotton 404, as soon as it is executed, at a conspicuous place at the polling place, so that it remains posted and accessible to the public for at least 3 calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

Each State Committee shall be in charge of and responsible for the conducting of the referendum in its State in a fair, unbiased, and impartial manner, by secret ballot, and shall:

1. Notify the appropriate Regional Director of the Agricultural Adjustment Administration by telegraph as to the preliminary count in the State of votes for and votes against marketing quotas.

2. Summarize on form Cotton 406, "State Tabulation of 1940 Cotton Marketing Quota Ballots," the information contained on the forms Cotton 405 reported to it and the facts found in any investigation or recheck conducted by it and forward via air mail special delivery two fully executed forms Cotton 406 to the appropriate Regional Director, Agricultural Adjustment Administration, Washington, D. C., not later than 7 calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, in which the referendum is required to be conducted because cotton was produced therein in 1939, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of each form Cotton 405 and form Cotton 406 shall be permanently filed in the State office of the Agricultural Adjustment Administration available for public inspection.

3. Complete the investigation of any report from any county regarding irregularities in the holding of the referendum or controversies as to the correctness of summaries of the referendum, not later than 10 calendar days after the date of the referendum, and forward its findings in such cases to the appropriate Regional Director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and reported to the Secretary of Agriculture and the result of the referendum will be publicly proclaimed by him. The reports on Cotton 406 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

Each County Committee is authorized to give out unofficial reports of the total "Yes" and total "No" votes in its county to the public press and other inquirers. Each State Committee is authorized to release to the press and other inquirers the unofficial results of the

referendum for its State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any Community Referendum Committee, County Committee, or State Committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 20th day of September, 1939.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

